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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Written statement* submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

The Credibility of International Human Rights Protection Mechanisms in Danger

The principal challenge to the notion of the universality of human rights in the last decade was cultural relativism. Yet, different governmental and non-governmental actors have contributed largely to the establishment of firmer foundations for a wider international consensus on human rights principles. However, there are serious obstacles threatening to undermine such universality: the politicisation of human rights and double standards. They are most evident in excluding a certain state from being held accountable for its gross human rights violations and endowing it with impunity – Israel.

This situation begs the question: are we all in fact guided by the same universal principles and values? Are we all covered by the same human rights protections mechanisms? Theoretically the answer may be a yes, but on the ground it is impossible to give the same answer. This is what jeopardises the efficiency of the human rights mechanisms most.

The international community needed only six months to force Iraq out of Kuwait, and some other months to intervene in Kosovo and twenty-six days to wage a war against Afghanistan, while it lacks the minimum political will required to enforce resolutions some of which have been adopted more than half a century ago: Resolution 194 of 1948 stipulating the return of the Palestinian refugees; Resolution 181 of 1947 on the partition of Palestine; and Resolution 242 of 1967 requiring that Israel withdraw from the West Bank, Gaza, Jerusalem and the Golan Heights. The last two resolutions have great bearing on enabling the Palestinian people to exercise their right to self-determination.

The international community has never tolerated such blackmailing by a state that threatens international peace and security, starts wars, occupies lands, and commits acts of aggression almost daily. This is in addition to the number of collective massacres and acts of ethnic cleansing it perpetrated (as confessed to by its political leaders and evidenced by its academic historians), which led to the displacement of millions of refugees. And yet the international community is not able to subject it to the same standards of accountability applied to the rest of the world.

This is in addition to the nature of the racist and apartheid regime established in Israel and the occupied territories since 1967. This regime rests on a legislative system that institutionalises the racist social structure in the fields of property, economy, employment, housing, education, thus creating within Israel first and second-class citizenships according to religious/national affiliation. This racism is also reflected in the denial of the indigenous people's right to return, the persistent intention to annex Jerusalem, the discrimination against Arab inhabitants of Jerusalem and in the transformation of the Palestinian occupied territories to "Bantustans" by force. Forms of systematic oppression against the Palestinian people are monitored in reports by international, Palestinian and some Israeli human rights NGOs, the International Fact-finding Committee, the High Commissioner for Human Rights and the United Nations Special Rapporteur in the Occupied Territories.

The UN General Assembly, Security Council, the UN Commission on Human Rights and other human rights UN bodies have variously adopted several positive resolutions against Israel and in support of the Palestinian people1. For half a century, all of them have remained a

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1 For example: the return of the refugees; withdrawal from the occupied territories; the illegality of settlements, the annexation of East Jerusalem and land confiscation; the condemnation of: blowing up homes, collective punishments, attacking holy sites, torture, extra-judicial killings, etc.

dead letter2. In fact, any draft resolution seeking to oblige Israel to enforce any of these resolutions was met with a veto, at the same time when other countries have been successfully brought to abide by international standards (such as Iraq, former Yugoslavia, Indonesia).

Given such brutal smothering of the spirit of the Palestinian people in the last few months, some of the Holocaust phraseology (such as concentration camps) has been increasingly reiterated in the writings of liberal Israeli writers who are looking with awe at the low depths to which their state is descending. This is especially so since some political circles (including two Israeli cabinet ministers) has put forwards new plans for transferring and evacuating the Palestinians from the West Bank and Gaza, as well as the Arabs in Israel. This may foreshadow a new wave of ethnic cleansing.

It has happened before that the conscience of the international community awakens late from its slumber. It happened with the crimes against humanity that were committed during World War II and on several other occasions. And here we witness it doing the same again, with its silence encouraging the continuation of the Israeli organised oppression of the Palestinians for over half a century. It is a shocking irony to human conscience that the atrocities of the World War II were a reason for the adoption of the Universal Declaration of Human Rights and the four conventions of the international humanitarian law, and yet the children and relatives of some of the victims of those atrocities refuse to abide by the principles enshrined in these instruments and do not accept that their state may be held accountable according to them.

This would have never been possible if it were not for the special protection accorded to Israel by the United States, especially in the Security Council, in addition to a European attitude that wavers between verbal condemnation and connivance. This ensures that dozens of resolutions remain empty rhetoric, and secures Israel's impunity, while the Palestinian people continue bleeding.

In this context it could be understood why people in the Arab World ridicule the repeated talk of human rights universality and international protection of human rights, or consider it an additional aspect of a wide-ranging international conspiracy against the peoples of the region. It also becomes comprehensible how some of the governments in the region are not brought to account by their peoples, despite the fact that their human right records are among the worst in the world.

The universality of human rights and credibility of the international protection mechanisms are in danger. The continued exemption of Israel from being held accountable constitutes an example employed and produced by other states. This puts the whole international system before serious hazards, leads to the sacrifice of human rights and the international humanitarian law and undermines peace and security in the region.

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2 For example, the UN General Assembly has reaffirmed its Resolution 194 of 1948 concerning the return of the Palestinian refugees 110 times. Yet, for 53 years not a single step was taken to oblige Israel to enforce it.